



W.P.(MD)No.26964 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26964 of 2022

K.Sundararajan

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.

3.The Block Development Officer,
Oddanchathiram Union (Village Panchayat),
Oddanchathiram,
Dindigul District.

4.The President,
C.Velur-Annapatti Panchayat,
Oddanchathiram Taluk,
Dindigul District.

5.Manoharan

6.Chinnappan

7.Sakthivel

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to protect the water channel situated in S.F.No.65 and 66 situated at C.Velur-Annapatti Panchayat, Oddanchathiram Taluk, Dindigul District as per the



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recommendation of the third respondent dated 24.08.2022 on the basis of the petitioner's representation dated 16.08.2022.

For Petitioner : Mr.S.Karthik
For R1 & R2 : Ms.K.Christy Theboral
Additional Government Pleader
For R3 & R4 : Mr.A.Kannan
Additional Government Pleader
For R5 to R7 : Mr.N.Adithya Vijayalan

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3 to protect the water channel situated in S.F.No.65 and 66 situated at C.Velur-Annappatti Panchayat, Oddanchathiram Taluk, Dindigul District as per the recommendation of the third respondent, dated 24.08.2022 on the basis of the petitioner's representation, dated 16.08.2022.

2.Heard Mr.S.Karthik, learned counsel appearing for the petitioner, Ms.K.Christy Theboral, learned Additional Government Pleader, who takes notice for the first and second respondents, Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the third and fourth respondents and Mr.N.Adithya Vijayalan, learned counsel for the respondents 5 to 7. By consent of both parties, this writ petition is taken up for final disposal.



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3. The grievance of the petitioner is that representation submitted by the petitioner dated 16.08.2022 seeking to protect the water channel situated near his agricultural land, has not been considered.

4. The learned counsel for the petitioner submitted that the petitioner is having agricultural lands in Survey No.67/7 and 67/5 situated at Chathirapatti Village, Dindigul District. An Odai, namely, Nallathangal Odai is situated near his land and there is a stream bank, which will save the agricultural land of the petitioner during heavy rainy season. The Authorities concerned have constructed a bridge over the channel for forming NH-209, near by the land of the petitioner. Now the fourth respondent is trying to encroach upon the stream bank of the Odai to create a pathway by reducing the width of the water channel (Odai). Hence, the petitioner made an objection before the fourth respondent stating that if the width of the channel is reduced, the agricultural lands will be damaged during rainy season. But the fourth respondent has not considered the same. The petitioner also made a representation, dated 18.06.2022. Since the same has not been considered, the petitioner has filed the present writ petition with the aforesaid prayer.



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5.The learned counsel for the petitioner contended that the petitioner has also filed a suit in O.S.No.96 of 2022 in this regard and the same is pending before the District Munsif Court, Oddanchathiram. The respondents 1 to 3 are not taking any action against the fourth respondent in order to protect the water channel for the reasons best known to them.

6.The learned Additional Government Pleader appearing for the respondents 3 and 4 submitted that the width of the water channel has not been reduced as alleged by the petitioner. The authorities concerned have only deepened the water channel for free flowing of water. The said act has been misconstrued by the petitioner, as if the width of the water channel is going to be reduced. He has also produced some photographs to substantiate his contention.

7. Admittedly, the width of the water channel has not been reduced, as it is seen from the photographs produced by the third and fourth respondents. The authorities concerned have deepened the said water channel for regulating the water flow. It is to be noted that the petitioner has already filed a civil suit for the same relief before the concerned civil Court and the same is pending for consideration. Apart from the same, by invoking of power of this Court



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under Article 226 of the Constitution of India, the petitioner is attempting to maintain parallel proceedings, which is to be deprecated.

8. Having filed a civil suit, the only remedy available to the petitioner is to approach the very same civil Court, where the civil suit is pending for appropriate orders restraining the respondents from encumbering the subject properties. Instead of approaching the civil Court, the petitioner has parallelly given a representation to the fourth respondent.

9. In that view of the above, this Court does not find that the petitioner has made out a case warranting interference of this Court under Article 226 of the Constitution of India. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

30.11.2022

Index : Yes/No

Internet : Yes/No

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To

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Dindigul District, Dindigul.

2. The Tahsildar,
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Dindigul District.



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3.The Block Development Officer,
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Oddanchathiram,
Dindigul District.

4.The President,
C.Velur-Annapatti Panchayat,
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Order made in
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